

REMARKS

Entry of the amendments noted above and favorable reconsideration and allowance of this application are requested.

At the outset, it is procedurally noted that a Notice of Appeal has been filed on December 22, 2008, thereby setting February 22, 2009 as the nominal (extendible) due date for further action in this application.

1. Discussion of Amendments

Independent claims 1 and 4 have each been amended so as to clarify that the substrate is "solid" and that the polyamide layer is applied onto the solid substrate by means of extrusion coating. Thus, the claims now clarify that a melt of the polyamide is applied onto a preformed "solid" substrate and, as such, precludes reading of the claims as covering the coextrusion of the polyamide melt and another thermoplastic melt which are subsequently solidified to form a plastics laminate structure.

Support for the amendments can be found in the original specification at page 2, lines 30-31 and original claim 2 which constitutes its own "disclosure" and has thus been canceled as redundant. In order to prevent similar redundancy, claim 7 has been revised so as to be dependent from claim 6.

Following entry of this amendment, claims 1, 3-4 and 6-9 will thus remain pending herein for which favorable reconsideration is solicited.

2. Response to 35 USC §103(a) Rejection

The applicants' arguments with respect to the *non*-obviousness of the present invention over Nijenhuis et al in view of Cahill et al as presented during previous prosecution are hereby incorporated by reference. In addition, applicants note the following.

The present application relates to a process for applying a layer of polyamide to a solid substrate by extrusion coating. In this regard, it is generally known to a person skilled in the art that with extrusion coating applications the distance between the extruder die and the substrate is usually quite large. This rather large distance in turn causes the film-shaped extrudate to become unstable at high production speeds, which results in non-uniform thickness distribution. Of course, high production speeds are highly desirable since that improves the production efficiency of the extruder equipment.

Applicants surprisingly have discovered that that when a branched polyamide with the formulas as defined in the pending claims is employed in extrusion coating for manufacturing a laminate, a more uniform thickness distribution can be achieved even after increasing the production rate by a factor 3 as evidenced by Example 1 in the earlier submitted de Kroon Declaration. The comparative example of the de Kroon Declaration, which employed non-branched polyamide, showed that the thickness distribution was less uniform, and an increase in production factor proved to be impossible, as no stable laminate could be formed.

Cahill et al discloses a composition for scavenging oxygen. It is also disclosed that branched polyamides may be employed (see page 9, lines 10-11 of Cahill). The preferred method for the three layer embodiment is *co-extrusion* and other methods are mentioned to have disadvantages (see page 23, lines 3-16 of Cahill). When the resin has to be deployed as an internal coating for glass or metal containers spray-coating is disclosed as preferred (see page 26, lines 1-4 of Cahill). None of the examples of Cahill disclose multilayer film and nowhere in Cahill is an extrusion coating method mentioned.

As Cahill does not relate to application of polyamide to *solid* substrate by extrusion coating, a person skilled in the art would not arrive at the present invention by combining Nijenhuis et al and Cahill. Although Nijenhuis et al relates to branched polyamides, it is silent with regard to application to solid substrates. Cahill et al discloses three-layer film, of which one layer may be branched polyamide. However,

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Cahill is silent about extrusion coating onto a solid substrate. Moreover, Cahill teaches away from extrusion coating onto a solid substrate as the preferred methods as disclosed by Cahill include co-extrusion or spray coating.

A person skilled in the art, wishing to have a uniform thickness distribution at high production speeds, would therefore have no incentive to employ branched polyamides as there is no reasonable expectation of success to have more uniform thickness distribution upon application of branched polyamides onto a solid substrate.

Withdrawal of the rejection advanced under 35 USC §103(a) is therefore in order.

3. Fee Authorization

No fee is believed to be required in order for the subject Amendment to be considered. However should the office deem otherwise, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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